[Continued from the First Page.] zen; and the other, that Congress had no constinal power to prohibit slavery in the territory

where Kansas now is.

I have read the reasoning upon which the court base their decision that a negro is not a ci-tizen; and I have heard the eloquent commendation of the court, for making the decision, pronounced here by the Senator from Louisiana, [Mr. BENJAMIN.] I understand it was decided that the plaintiff had no right in court, because no man, bond or free, whose ancestors were brought to this country from Africa and sold as slaves, could be a citizen of the United States. The court give reasons for this; the most prominent is, that the African race is a degraded race. To prove this statutes of different States, prohibiting and pun-ishing intermarriages between them and whites, are cited, and various penal statutes against people of color are also cited ; together with the laws of Congress for enrolling the militia, and those of New Hampshire for the same purpose.

Mr. President, I have an interest in this ques-

tion of citizenship, and so have you. [Mr. Saw-ARD was in the chair.] We have not a title as citizens which can be produced at any time and anywhere, as the Senator from Louisiana [Mr. BENJAMIN] has. His title to citizen-hip is upon parchment, duly sealed; but how are we to estab. lish ours, and our right to sue in a court of the United States? We have no parchment under seal to show it. If I were obliged to look for yours, sir, I should not look where the court seems to have looked for Dred Scott's, about jails and whipping-posts, penitentiaries and penal stat-utes. These are places where freemen lose their rights, and not the places to find how or where they became enfranchised. If I wanted to discover our right to the blessings of freemen, I should not look down into dungeons, but up to the source from which they come—just where the fathers of this Republic looked when they began

to struggle to obtain them. Sir, on the morning of the 4th of July, 1776, the people of this country were British subjects; evening of that day, by virtue of the acts of those they had authorized, they ceased to be subjects, and became simply inhabitants of the country. This definition included all within our limits, bond or free; but they were not left so long. The same authorized agents who had changed them from subjects to inhabitants, propeeded to form articles for a union of the several States, and in these, the status of the inhabitants was determined, as follows:

The free inhabitants of each of the States. paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several 4 States."

There is nothing here about color; all the distinction they made was between free and slave. and between the worthy and unworthy. None were excluded on accout of color, of race, or country of birth; but all were made citizens who were then on the soil, except the slaves and the unworthy. This would seem to settle the question as to who were then made citizens, and recognized as such, until the adoption of the Constitu-tion; and included therein as such, when that instrument was adopted. The court, however, appear to think the militia laws negatived this lusion, and refer with great confidence to an early act of Congress, in 1792, organizing the mili-tia, passed by those familiar with the meaning of the language of the Constitution, which says that every "free, able-bodied, white male citizen" shall be enrolled in the militia. They also refer to a si nilar provision in a late law of New Hampshire, which I suppose should be more convincing, ss that is a free-soil State.

These extracts from the laws, and like expressions, the court seems to regard as conclusive that none but whites can be citizens, or were regarded as such by the framers of the Constitution, who were members of Congress in these early times. It is a little singular it did not occur to the court that the use of the term "white citizens," to designate those who should be enrolled, instead of proving that there were no other "citizens," shows clearly that those who used that word must have used it on purpose to discriminate between "white citizens" and "citizens" of some color not understood to be "white;" for it is cer-tain that, if there were no other than white citizens, as the court insist, the use of the word

This term, as one of discrimination among citizens, was so common that it had become habitual; and, until after this decision, arrested ne atten-tion: it was used when this Lecompton constitution was drafted, and was stricken out at the suggestion of some member, that since this decision of the court there were no other citizens than white ones, and therefore no longer any necessity for the use of the term.

I suppose this form of expression has been used tutions or statutes from the time of the Revolution to the last year to determine whether the elective franchise in the different States should be enjoyed by white citizens only, or by all citizens; and has so determined the matter. If the white citizens voted; if not in, all voted, white and colored. That has been the case in Rhode Island, and I suppose in other States; and until this late discovery of the court, nobody ever thought of disputing its fitness and propriety. I do not think there needs to be any recenstru-

tion of the court, for, I believe, if a similar ques-tion were brought before the court, the late decision would be overruled. These decisions are not like the laws of the Medes and Persians. The desision of this court in the Dartmouth was thought to settle a principle, which induced our banks to refuse to pay the tax imposed upon them by the State, and the prevailing opinion at the bar in Rhode Island was that the banks would be sustained by the court. The State brought the question here, and the court decided in favor of the power of the State to tax corporations. It happened that I was appointed on the comto employ counsel in that case, and for that resson remember the decision, and also remember that, from the outset, I thought the right of the State to tax would be sustained. No such decision of this cours will stand unless it has sound reason and sound law to rest upon.

This question was decided when the public mind was in a feverish state, and the court may have unwittingly been affected by the excitement political excitements have great influence upon men in caucuses and in Congress, and why not in courts if it gets there? and if it has got there, we must wait until it subsides, and trust that then the errors it has occasioned will be corrected. Mr. President, I think any man of candor who will read the reasoning of the court in this case, sipon the power of Congress in the Territories, will find enough to warrant the opinion I have expressed. The court say, that the clause in the Constitution which says "Congress may make all necessary rules and regulations respecting the territory," &c., does not apply to territory acquired since the adoption of the Constitution. This is no doubteo; for it is was not contemplated that we should have additional territory when the Constitution was adopted. But the court say that the power to govern new territory is " the inevitable consequence of the right to acquire ter-ritory." And they further my, that Congress in legislating for such acquired territory, "exercises the combined powers of the General and a State to "prepare the hearts of the people" for disu probibited from exercising by the Constitution-

that is so; nor can it exercise any power, any where, which is so prohibited. A State govern ment cannot exercise any powerin a State which it is prohibited from exercising by the constitument of a State can, within its limits, exercise all powers of government which are not prohibited by the constitution of the State or of the United Congress has the right to exercise the power of that Congress, like a State, can exercise all powers not constitutionally prohibited. This is the robibitions to show what Congress cannot do in life, is not the American doctrine. the Territories, because of these constitutional inunctions, and after naming all they can find, they then say that as there are so many prohibitions, and this is known to be a Government of limited powers, therefore, Congress cannot legislate about lavery in the Tarritories. Sir, that is an evasion which is unworthy of men in their position; they must have known that, upon their own rule, if that subject of legislation was not enumerated in that subject of legislation was not enumerated in the prohibitions, Congress could legislate upon think he is mistaken in this. He calls the laborers it as well as upon any other subject not prohibited; t any rate, if the court cannot see this every one

In the Florida case, which the court refer to present court sanction the exercise of the powers of Congress in legislating for the Territories to more unlimitted extent than I think is warranted out no matter for that, as all the powers of legis claiming for Congress legislative powers in the bread.

Territories which I may think doubtful.

No m

But if Congress has not the power to legislatapon the subject of slavery in the Territories of the United States, by what deduction of logic do Senators contend that we can grant it to any other ody of men, or to a Territorial Legislature Can we grant what we have not got ourselves? To contend for this would be ridiculous; yet we know that the Legislature of Kansas has enacted to pass these laws, they derived it from us; the people of the Territory had granted them nonehe people never did grant any power to a Territorial Legislature, in any Territory that has ever existed within the jurisdiction of this Government If such laws have validity in any Territory, it is Kansas, the power was not only not expressly given to pass such laws, but it was expressly delared in the organic act, that it was not intended hereby to establish slavery in the Territory, or to exclude it therefrom; so that no such power of be given in the act, and all the laws passed about slavery, and the oaths required to support them, were void from the outset. These test oaths corrupted the franchise from the commencement and this Lecompton constitution being the resul of such a franchise, bas no validity; yet we are preed to admit Kansas under it, and to avoid the appearance of giving sanction to its provisions, it proposed to add a declaratory resolution investing the people of the new State with the right of revolution-a right we cannot give nor take away. Yet this is the right our Democratic President says the people of Kansas will have, to relieve themselves from a constitution which is odious to, and which he urges us to inflict upon.

Sir, I have no disposition to produce irritation or agitation upon this question; and I invoke Sen-ators on the other side not to stake the welfare of this country, not even the quiet and good feeling of the people, upon an issue so contemptible as this. It is unworthy the attention already bestowed upon it-attention which it would not have eccived but for its being made an Administration neasure, and a sectional one, upon which to coniliate and unite the South in support of the policy of the President.

and South Carolina, from Alabams and Mississippi, where. I doubt if he was ever, in any body of that all must regret to hear. We are told this men, or on any committee, where he did not ap-Union is to be shaken to its center upon the ques- pear a little taller than his associates for intellition whether this particular form of government shall be established for Kansas. Senators are have the maxims in his "Poor Richard's" almanac crowding this measure as if some great event were depending upon its passage. There has sppeared to be a design of raising an excitement circumstances in all these Kansas movements to Carolina; for I received the hospitalities of her told that Kansas has a sufficient population to and remember it with gratitude; but I think warrant this application to be admitted as a State. has made some unfair comparisons between the No enumeration or census has been taken to show two sections, which I have briefly alluded to his. Nothing has been done in this business as What remains for me to say relates to the remarks thing bears but one label; and that is, political not plunder them with tariffs, with internal imcapital by agitation in the Southern States, where, apon such a question, it is supposed they may se made to act together; and every circumstance is now seized upon to induce the people raud proceeds from a purpose hostile to them, when, if viewed simply as a party measure, the snumerated and denounced by the Senator, as South will admit that the Republican party would plundering them, originated with South Caroli gain more by their carrying Lecompton than it could by rejecting it. And I think it is doing injustice to the intelligence of Southern men to suppose they can be made to believe that the instituone of the Southern States can be disturbed by

let it be decided as it may. stitutions rest upon too good foundations to be the defence of these measures to their beneficial put into a constitution by fraud and violence.

If there is any real cause of difference between the sections, it is different from this; and this is only used as a protext to enlist the passions of I concur with the Senator in his view of the valu nen in the service of disunion. There has been of the great staples of that section of the country a zeal manifested on this question, unusual in and am always glad to notice the improvements this body. It has carried Senators further from they have made in their production. Since my what I regard the proprieties of their position. remembrance, the product of cotton to the hand They have, by a caucus-drill instituted a trial of has increased three-fold, and the general price rephysical endurance, to force the minority to terms, mains about the same; which indicates great pros which the majority might impose for the termination of the debate here upon the question. In this contest, I was called from a sick bed to this Chamber, at three o'clock in the morning, as was have made equal improvement in our means o said, to make a quorum; as if less than a quorum producing, but we do not receive its returns in could not adjourn, which, as I was told, it had the increase of the price of labor, as they do. been decided could not be done. When I came into the Senate, a Senator was addressing it upon the dangers to the Union to result from the decison of this question. After the close of this speech. ion of this question. After the close of this speech, couragement does not unnerve the arm of labor, the Senator from Louisiana [Mr. BESSAMIN] made or paralyze the brain of the inventor. They still a proposition to his friends, the majority here, to strive; and, at all events, mean to deserve suc-withdraw from the Senate. I hope this was done cess. We do not envy their success, and try to without reflection, for it was a proposition to break up this Government. Without a Senate, In this way we have got on well together for more you can have no Government. I never heard than eighty years with this Union, and I doubt such a proposition made here before, and hope the wisdom of trying an experiment to get or never to hear another of the kind. Such a propo- without it.

government." They say, further, that Congress but never, I think, before this session, has there can exercise no power in a Territory which it is been a proposition made in this Chamber to break

up this Government. It has always been my purpose, since my first participation in the business of the Senate, to vote and act for measures which I thought would promote the interests of the country, North and South, East and West, endeavoring to have no section

feeling or local partialities in legislation.

I can expect to exert but little influence; to attempt it might give offener, for I do not profess States; and if, in legislating for the Territories, to have either ability or experience to justify such a course; but I may say to Senators who are tal the General and a State government, it follows ented and enjoy an elevated position, that it may be wise in them to cultivate fraternal feelings i this body of equal representatives of States. The easoning of the court, and they enumerate the idea that there are many spheres in the walks of

The Senator from South Carolina [Mr. Haw MOND] is already assured of my respect. That Senator, the other day, undertook to prove that society in the North was not organized as well, or with as favorable elements, as that of the South. He insisted the laboring men of the North occu pied the position of slaves, like those of the South and having the right of franchise, our rights wer of both sections the "mud-sills" of society. As this is a technical term in the construction of dam, I suppose he means to intimate by it, that those who are regarded as the more fortunate in and from which the quotations are made, the point of wealth or position, are the cap-logs of society.

We have an intelligent people at the North whether wealthy or not; and in no country in th world is there less pretension made to wealth, o lation by Congress upon the subject of slavery in the Territories are clearly within the definition and rule given by the court. I shall not quarrel men to their common Creator, who has said to more general recognition of the fealty due by all men to their common Creator, who has said to with them for going a great deal beyond, and man that by the sweat of his face shall he eat

No man is exempt from this service. The Se ator seems to suppose that, with their organization of society, there will be, and is, a class with the eisure and means of education which must elevate and secure to them a character for progress civilization, and refinement.

I would ask the Senator if, in his experience i society, this has generally been the effect of the possession of such supposed early advantages? laws for the protection of slavery, such as exist in I regret to say it has not, in most cases that have Missouri and other States; if they had any right come within my observation; and I have always been disposed to award greater merit for success in those thus circumstanced than to those who are not subject to the various temptations which beset the class he refers to. In our country, it i common to say that "it is better to be born lucky than rich." In the history of our country there derived from this Government. In the case of is nothing to justify this overweening vanity of wealth or high position, or to discourage those who commence with every disadvantage that con ceit can attach to the drudgery of labor. Will the Senator from South Carolina look at the picture which hangs over the western entrance to the relegislation could be constructively implied to tunda of this Capitol, and examine the protrait of Berjamin Franklin, in his plain citizen's dress, at the most refined court of Europe? Look at h countenance as he is addressing the King, and then look at the King, in his royal robes, who has enjoyed every advantage of elevated birth and o solid and refined education, and say which of the two he would like to have for his compeer in this body? The attitude, features, and countenance of the laboring man are a specimen of one of na ture's noblemen. As to the other, I will say nothing. I am prevented, from the gratitude feel for the aid he gave us in the cause of the Rev olution. Let the Senator examine the portraits of the signers of the Declaration of Independence He will find the same man associated with Roger Sherman; they are not among the mass of th members of that highly distinguished body of patriots, but are represented as two of the five nembers who report the declaration to Congress men who are prominent among the noblest of the land-both laborers. Does the Senator think we should be in a lower strata (as he calls it) by having these two men in our body, to represent the

States they represented in 1776? Sir, every man in Christendom would accord such men the post of honor, be they where they may. Franklin was known in Europe as a day Declarations have been made here from Georgia | worker at job printing; it never injured him any gence and common sense; and I would rather to make a man with, than all the writings of Lord Chesterfield upon refinement and court etiquette There are a few other remarks which the Senor the purpose of seeing it subside when the deed ater from South Carolina made that I must notice s consummated. There are too many artificial not in any spirit of complaint, for I like South ommend them to my approval. We are not people, and those of Georgia, when I was a boy, t is ordinarily done in like cases. There has been he made that, if we now settled this question not haste about everything concerning it; every- fairly, the South had no guarantee that we should provements, with navigation laws and fishing bounties, and with a bank of the United States to concentrate all the capital of the country in the commercial emporium. These were so many f those States to believe that opposition to this counts in his bill of indictment against the North.

As well as I recollect, most of the measure nians. I think the tariff was reported by one of the most distinguished of the citizens of South Carolina, Mr. Lowndes: at least I have always given him credit for inaugurating that measure for the benefit of labor. The credit of interna the decision of a question as unimportant as this, improvements and the bank have been awarded by his grateful countrymen to another illustriou The people of the South know that all their in- citizen of that State, Mr. Calhoun. I must leave verturned by a clause about slavery in Kansas, effect while we enjoyed them, and to the State which feels such just pride in their originators, or supporters. The fame of these statesmen had these very measures for its basis and sustenance

perity, as is shown in the advanced value of their The Senator will admit that we, at the North

sition will not, I trust, be made by any man born upon American soil. There have been conventions elsewhere that were supposed to be designed the Scnator from Alabama, as chairman of the

Committee on Commerce, has reported a bill to repeal them. I regret this, and I think the Ser ator has not fully considered the purpose of thes bounties. It is easy to raise a cry against boun ties; but if this matter was fairly understood by the South they would not feel hostile to the fishing vessels. They are the nurseries of our seamen

The South take great interest in our Navy, and furnish a very large proportion of its officers, and have evinced a commendable zeal here in guarding their interests this winter, in which I have aided. But, sir, we cannot expect to win naval victories with epaulets. It takes a different kind of men to gain the victories at sea. The officers get the honors; but we must have sailors to de most of the work and the fighting. I do no mean to disparage the officers, who get the glory but insist that we must not forget the sailors whom they command. These fishermen embark in small vessels, and cruise in the boisterous re gions of the north Atlantic to catch codfish, and then embark in larger vessels after whales. When you have trained up a boy to catch codfish, where the sea runs mountain high, and then learn him to go in an open boat and strike and kill a whale you need not be af aid of his ever being caught or frightened by anything. Sir, there is no class of men that wind or storm ever blew or beat upon who are so utterly without fear as sailors, wh have been thus trained. One will sleep upon the cross-trees, high up on the " giddy mast," where you and I would tremble to see him sit awake He is not made drowsy, as you are now, by the weariness of a single sense, by the sound of my voice incessantly tatooing the drum-head of your ear; but his whole brain is rocked by the " im

perious surges" of the sea.

Mr. Jefferson has told a fine story of Logan who said he "never felt fear, and would not turn on his heel to save his life." Logan had the idea that, when fighting, it would disgrace him to turn on his heel; and he would not do it to save his life. But this sailor wants no incentive to cour

age; he would not lose his nap to save his life The Senator from South Carolina likes the re nown of our naval victories; but he cannot achieve them with landsmen or smooth water sail-ors. If you want to take another Frolic in a gale of wind, you must have sailors who can walk the deck in rough weather; landsmen cannot do it; they may be as brave, but they must have the right training. Victories are not expected to be won by what are called educated men. For your Navy you want that inbred courage and endurance which are only to be found in the occupations have described.

If, therefore, you want to raise such sailors take care of the nurseries-the fishing vessels I ask the chairman of the committee who pro poses to repeal the fishing bounties, the classic Sen ator from Alabama, to reflect, that, if the infant had been strangled in the cradle, the labors would not have been performed that gave immor

I hope these suggestions may save the bounties to the fishermen; they will not be a great burden

on your Treasury. As to the navigation laws, which the Senato classes among those which plunder the South, as we now let all participate in our foreign trade on equality with us, he must mean to let them do so with the coasting trade. The English have the most profitable of our foreign carrying trade. By the aid of their government their mail steamers have supplanted ours. They take the passengers and the most valuable freight, affi I do not know that there would be danger in letting them do our carrying upon all our rivers and in all our harbors-our inland as well as our foreign mails-it may be best to mix with everybody and have a common purse, and of course a common destiny. I am not afraid of England; but I never knew a treaty or trade made with her by the United States. in which we came off equal-scarcely second best Close intercourse was what Philip preached when he wanted to control the other States of Greece; his gold was no doubt profitable, and those out of his city saw no danger in its free circulation among them; and I believe even Demostheness was not able to stand against it.

I would rather have a few things which we could call our own, and a single pursuit that all mankind did not mingle in; so as to preserve our identity as a people, and not go back to colonial dependence in everything. We should recollect that we cannot hire others to love our country a our people love it-or to fight our battles as our have fought, and will fight them; these are things you cannot hire or buy, and so are public spirit, friendship, and courage. We should leave some room, and some motive for our own people to cultivate these.

The Senator from South Carolina says that labo only needs to be docile, obedient, and faithfula pack-horse kind of labor. Would such labor elevate a country, and give it fame in the world? No. sir; mere planting and farming never did elevate a country; and yet they are the basis of all other pursuits, and the most useful and honorable, and the main pillars of national strength. But to make a nation independent, prosperous, and happy, you must diversify your labor, and that will elevate it, and the country with it. We only need to cultivate a proper spirit, and settle this Kausas question fairly. Let us not undertake to throw this Lecompton fraud across the track of this people, and make it the occasion of sectional strife and alienation. It is too small matter to be allowed to do so great an injury.

Do you wish to Economise ? Then buy a good article, even if you have to pay a trifle more for it. It is waste of money to buy shoes, for instance, that will not last any time;

better to buy such as are well made, and of the best materials, and will wear well. Is not this true? Then call at the subscriber's shoe store where none but custom made shoes are kent. All kinds of Ladies and Children's made of the very best materials, and by superior workmen, and all warranted. These shoes never rip; the only complaint is. "they never wear out." plaint is, "they never wear out."

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and warranted to every purchaser.

Shoes of this kind, namely—made of the best materias and by the best workmen—cost at first but a trifle more than those that are only made to sell; but will outwear three or four pairs of the sell; but will outwear three or four pairs of the latter, and of course are much the cheapest. An important consideration to all who have large families to provide shoes for, and not very long purses to draw from. Dr. Franklin never bought a poor article if he could get a good one, and it is generally believed he was a wise man.

Then call, one and all; follow the example of that great and wise man, and test for yourselves this important question of practical economy. latter, and of course are much the cher

this important question of practical economy.

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plaints for which you recommend them."

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"I find one or two large doses of your PILLS, taken at the
proper time, are excellent promotives of the natural secretion whom wholly or partially suppressed, and also very effestual to cleanse the stomach and expel worms. They are
so much the best physic we have that I recommend no other
to my patients."

CONSTIPATION - COSTIVENESS. CONSTITATION — CONSTITATION — CONSTITATION — CONSTITATION — CONSTITATION — CONSTITATION — CONTINUE SO THE CUT OF CONTINUE SO THE CONTINUE SO T

cure the disease."

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— RHEUMATISM — GOUT — NEURALGIA.

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They stimulate the excretories, and carry off the impurities
that stagnate in the blood, engendering disease. They
stimulate the organs of digestion, and infuse vitality and
vigor into the system. "Such remedies as you prepare are a national benefit, and you deserve great credit for them."

you deserve great credit for them."

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"DEAR DR. AYER: I cannot answer you what complaints I have cured with your PILES better than to say all that we ever treat with a purgative medicine. I place great dependence on an effectual cathartic in my daily contest with disease, and believing as I do that your PILES afford us the best we have, I of course value them highly."

EN Most of the Pills in market contain Marcury, which.

we have, I of course value them nighty.

Ag- Most of the Pills in market contain Mercury, which, although a valuable remedy in skilful hands, is dangerous in a public pill, from the dreadful consequences that frequently follow its incautious use. These contain no mercury or mineral substance whatever.

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Prepared by Dr. J. C. AYER, PRACTICAL AND ANALYTICAL CHEMIST LOWELL, MASS. AND SOLD BY

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